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A/49/909
S/1995/448
1 June 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Agenda item 15 (c)
ELECTIONS TO FILL VACANCIES
IN PRINCIPAL ORGANS:
ELECTION OF A MEMBER OF
THE INTERNATIONAL COURT
OF JUSTICE

SECURITY COUNCIL
Fiftieth year

Memorandum by the Secretary-General

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I. INTRODUCTION

1. By a letter dated 24 February 1995, the Deputy Registrar of the International Court of Justice informed the Secretary-General of the death of Judge Roberto Ago (Italy) on that date and of the occurrence of a vacancy in the Court as a result of his death. Judge Ago became a member of the Court on 6 February 1979 and was re-elected as from 6 February 1988. His term of office would have ended on 5 February 1997. According to Article 14 of the Statute of the Court, the vacancy shall be filled by the same method as that laid down for the regular election and the Secretary-General shall, within one month of the occurrence of the vacancy, issue the invitations for nominations provided for in Article 5. According to Article 5, the invitations for nominations have to be made at least three months before the date of the election which is, pursuant to Article 14, to be fixed by the Security Council.

2. By a note dated 6 March 1995 addressed to the Security Council, the Secretary-General drew its attention to Article 14 of the Statute of the Court regarding fixing the date of the election to fill the vacancy in the Court (S/1995/178). Pursuant to Article 14 of the Statute of the Court, the Security Council decided by resolution 979 (1995) of 9 March 1995 that the election to fill the vacancy should take place on 21 June 1995, at a meeting of the Security Council and at a meeting of the General Assembly at its forty-ninth session. The General Assembly at its 99th meeting held on 31 March 1995 decided to reopen consideration of agenda item 15 (c) (see A/49/861 and A/49/PV.99).

3. Pursuant to Article 5, paragraph 1, of the Statute of the Court, the Secretary-General, in a communication dated 13 March 1995, invited the national groups of States parties to the Statute of the Court to undertake the nomination of persons in a position to accept the duties of a member of the Court. The Secretary-General further requested that nominations should be received no later than 31 May 1995. A list of the nominations received by that date and a list of the curricula vitae of the candidates received are transmitted to the General Assembly and the Security Council (A/49/910-S/1995/449 and A/49/911-S/1995/450, respectively). The names of the candidates will appear on the ballot papers to be distributed during the election.

4. Article 15 of the Statute of the Court provides that a member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of the predecessor's term. The member elected to replace Judge Roberto Ago will thus serve until 5 February 1997.

5. The present composition of the Court and the procedure in the General Assembly and the Security Council for filling the vacancy are described below.

II. COMPOSITION OF THE INTERNATIONAL COURT OF JUSTICE

6. The present composition of the International Court of Justice is as follows:

President: Mr. Mohammed Bedjaoui (Algeria)*

Vice-President: Mr. Stephen M. Schwebel (United States of America)*

Judges: Shigeru Oda (Japan)**
Robert Yewdall Jennings (United Kingdom of Great Britain and Northern Ireland)*** 1/
Gilbert Guillaume (France)***
Mohammed Shahabuddeen (Guyana)*
Andrés Aguilar Mawdsley (Venezuela)***
Christopher Weeramantry (Sri Lanka)***
Raymond Ranjeva (Madagascar)***
Géza Herczegh (Hungary)**
Shi Jiuyong (China)**
Carl-August Fleischhauer (Germany)**
Abdul G. Koroma (Sierra Leone)**
Vladlen S. Vereshchetin (Russian Federation)*

III. PROCEDURE IN THE GENERAL ASSEMBLY AND IN THE SECURITY COUNCIL

7. The election will take place in accordance with the following provisions:

(a) The Statute of the Court, in particular Articles 2 to 4, 7 to 12 and 14;

(b) Rules 150 and 151 of the rules of procedure of the General Assembly;

(c) Rules 40 and 61 of the provisional rules of procedure of the Security Council.

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* Term of office expires on 5 February 1997.

** Term of office expires on 5 February 2003.

*** Term of office expires on 5 February 2000.

1/ By a letter dated 27 February 1995, the President of the International Court of Justice, pursuant to Article 13, paragraph 4 of the Statute of the Court, transmitted to the Secretary-General Sir Robert Yewdall Jenning's letter of resignation dated 15 February 1995. In this letter, Sir Robert Jennings gave notice of resignation as a member of the Court, the resignation to take effect on 10 July 1995. By its resolution 980 (1995) dated 22 March 1995, the Security Council decided that the election to fill the vacancy shall take place on 12 July 1995 at a meeting of the Security Council and at a meeting of the General Assembly at its forty-ninth session.

8. In accordance with General Assembly resolution 264 (III) of 8 October 1948, Nauru and Switzerland, which are parties to the Statute of the Court but not members of the United Nations, have been invited to participate in the General Assembly in electing members of the Court in the same manner as the States members of the United Nations.

9. On the date of the election, the General Assembly and the Security Council will proceed, independently of one another, to elect a member of the Court to fill the vacancy (Art. 8 of the Statute).

10. According to Article 2 of the Statute, judges are to be elected, regardless of their nationality, from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law. Article 9 requires electors to bear in mind not only that the person to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

11. The candidate who obtains an absolute majority of votes both in the General Assembly and in the Security Council will be considered elected (Art. 10, para. 1, of the Statute).

12. The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors. The electors in the General Assembly are all 185 Member States, together with the 2 non-member States mentioned in paragraph 8 above that are parties to the Statute of the Court. Accordingly, as at the date of the present memorandum, 94 votes constitute an absolute majority in the Assembly for the purpose of the election.

13. In the Security Council, eight votes constitute an absolute majority and no distinction is made between permanent and non-permanent members of the Council (Art. 10, para. 2, of the Statute).

14. Only those candidates whose names appear on the ballot papers are eligible for election. The electors in the General Assembly and in the Security Council will indicate the candidate for whom they wish to vote by placing a cross against the name on the ballot paper. Each elector may vote for only one candidate.

15. At the 915th plenary meeting of the General Assembly, on 16 November 1960, a procedural discussion took place as to whether rule 94 (then rule 96) of the rules of procedure of the Assembly should be applied in elections to the International Court of Justice. That rule lays down a procedure for restricted ballots in the event that, after the first ballot, the requisite number of candidates have not obtained the required majority. By 47 votes to 27, with 25 abstentions, the Assembly decided that the rule did not apply to elections to the Court and it proceeded to elect the requisite number of candidates by a series of unrestricted ballots. This decision has been followed consistently.

16. If in the first ballot in either the General Assembly or the Security Council no candidate receives an absolute majority, a second ballot will be held and balloting will continue in the same meeting until a candidate has obtained the required majority (rule 151 of the rules of procedure of the Assembly and rule 61 of the provisional rules of procedure of the Council).

17. Cases have arisen in the Security Council in which more than the required number of candidates have obtained an absolute majority on the same ballot. The practice followed by the Council has been to hold a new vote on all the candidates, and the President of the Council made no notification to the President of the General Assembly until only the required number of candidates, and no more, had obtained an absolute majority in the Council.

18. When a candidate has obtained the required majority in one of the organs, the President of that organ will notify the President of the other organ of the name of that candidate. Such notification is not communicated by the President of the second organ to the members until that organ has itself given a candidate the required majority of votes.

19. If, upon comparison of the name of the candidate so selected by the General Assembly and by the Security Council, it is found that the result if different, the Assembly and the Council will proceed, again independently of one another, in a second meeting and, if necessary, a third meeting, to elect one candidate by further ballots (Art. 11 of the Statutes), the results again being compared after one candidate has obtained an absolute majority in each organ. If necessary, the above procedure will be repeated until the General Assembly and the Security Council have given an absolute majority of votes to the same candidate.

20. If, however, after the third meeting, the vacancy still remains unfilled, the special procedure set out in Article 12 of the Statute of the Court may be resorted to at the request of either the General Assembly or the Security Council.

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SECURITY COUNCIL
Fiftieth year

List of candidates nominated by national groups

Note by the Secretary-General

1. By a communication dated 24 February 1995, addressed to States parties to the Statute of the International Court of Justice, the Secretary-General drew attention to the vacancy in the International Court of Justice caused by the death of Judge Roberto Ago (Italy) on 24 February 1995. In the same communication, the Secretary-General, in accordance with Article 5, paragraph 1 of the Statute of the Court, invited the national groups of States parties to the Statute to undertake the nomination of persons in a position to accept the duties of a member of the Court. The Secretary-General further requested that nominations should be received no later than 31 May 1995.

2. In accordance with Article 7 of the Statute of the Court, the Secretary-General has the honour to submit to the General Assembly and to the Security Council the names of the candidates thus nominated by the national groups (see annex).

3. The composition of the Court and the voting procedure to be followed in the General Assembly and in the Security Council are contained in a memorandum by the Secretary-General issued as document A/49/909-S/1995/448. The curricula vitae of the candidates appear in document A/49/911-S/1995/450.

Annex

LIST OF CANDIDATES NOMINATED BY NATIONAL GROUPS

Name and nationality	Nominated by the national group of
Luigi Ferrari Bravo (Italy)	Greece India Italy Poland Russian Federation Venezuela
Mehmet Güney (Turkey)	Turkey
Pieter H. Kooijmans (Netherlands)	Netherlands Sweden
Santiago Torres Bernardez (Spain)	Argentina Austria Belgium Colombia Spain Uruguay

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Fiftieth year

Curricula vitae of candidates nominated by national groups

Note by the Secretary-General

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I. INTRODUCTION

The Secretary-General has the honour to submit to the General Assembly and the Security Council the curricula vitae of the candidates nominated by the national groups for the election to fill a casual vacancy in the International Court of Justice caused by the death, on 24 February 1995, of Judge Roberto Ago (Italy). The names of the candidates nominated for this election have been circulated in document A/49/910-S/1995/449. The composition of the Court and the voting procedures to be followed in the General Assembly and in the Security Council are contained in a memorandum by the Secretary-General issued as document A/49/909-S/1995/448.

II. CURRICULA VITAE

A. Luigi Ferrari Bravo

Born in Naples, on 5 August 1933

Graduated magna cum laude in Law, University of Naples, 1956

Professional academic experience

1956-1961	Assistant professor of international law, University of Naples
1961	"Libero docente" of public and private international law
1961-1965	Professor of international organization on an annual term, University of Bari
1965-1968	Professor of international law, on an annual term, University of Bari
1962-1968	Professor of international law, on an annual term, Istituto Universitario Orientale, Naples
1968-1974	Full professor of international law, Law Faculty, University of Bari; Director of the Institute of International Law, same Faculty
1974-1979	Full professor of International Organization, Istituto Universitario Orientale, Naples
1975-1976	Dean of Department of Political Science, same University
1965-1979	Professor of European Community law, High School of Public Administration, Rome; full professor from 1975
1979-1982	Full professor of European Community law, Faculty of Political Science, University of Rome
1982-1991	Full professor of public international law, same Faculty
1991-present	Full professor of European Community law, Law Faculty, University of Rome

Academic and scientific memberships and appointments

Lecturer on International Law, National University of Somalia, Mogadishu, 1971

Lecturer, Hague Academy of International Law, 1975 and 1982

On various occasions has given courses on international law at the Training Institute for Diplomats at the Italian Ministry of Foreign Affairs

General coordinator (1965-1981) of the Italian National Research Council team (Italian Society for International Organization-Ministry of Foreign Affairs) on "Il contributo dell'Italia alla formazione delle consuetudini internazionali" (Italian contribution to the birth of international customs), 7 volumes published so far

Member, editorial board, Commentaries on the EEC Treaty and ECSC Treaty (Giuffré, 1965 and 1970)

Member, editorial board Cahiers de droit européen, Brussels

Member, scientific board, Rivista di diritto internazionale

General editor, Italian Yearbook of International Law

Member, editorial board, German Yearbook of International Law

Editor-in-chief, La Comunitá Internazionale

Member of Board of Directors and Secretary-General of the Italian Society for International Organization

Associate of the Institute of International Law

Member, International Law Association, American Society of International Law, Italian Association for Comparative Law, Italian-German Association of Jurists, Institute for International Affairs (Rome), Italian Association for Arbitration, Société française de droit international (Paris)

International activities and affiliations

Vice-Chairman, International Relations Committee, Italian National Research Council (1974-1981)

Member, Executive Council, European Science Foundation (Strasbourg, 1975-1981)

Member of the Italian National Board for the United Nations Educational, Scientific and Cultural Organization

Member, scientific board, Research on the evolution of International Organizations conducted by the Italian Society for International Organization and the Institut de Hautes Etudes Internationales of Geneva and sponsored by the Italian and Swiss Research Councils

Member, Legal Committee, Italian Olympic Committee

United Nations and other international activities as a member of the Italian delegation

United Nations Seminar on Economic and Social Rights, Warsaw, 1967 (Italian representative)

World Conference on Human Rights, Teheran, 1968 (Italian Expert)

First to Fourth European Conferences of Law Faculties (Strasbourg, 1968, 1971, 1974, 1976). Chairman of a Committee at the 2nd and 3rd Conferences and Italian representative to the preparatory committees for those Conferences

United Nations Special Committee on the Question of Defining Aggression 1973-1974

Geneva Diplomatic Conference on Humanitarian Law, 1975-1977

Head of Delegation, Committee on the Charter of the United Nations and the Strengthening of the Role of the Organization, 1975-1983

Ad Hoc Working Group on corrupt practices of multinational corporations, 1976-1979

Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations, 1978-1983

General Assembly; Chairman, Sixth Committee, 1978-1979

Ad hoc Committee on the Drafting of a Convention against the Taking of Hostages, 1979

Ad hoc Committee on the Drafting of a Convention against the Recruitment, Use, Training and Financing of Mercenaries, 1982 and 1983, Vice-Chairman; Chairman of one of the working groups of the same Committee

Working Group of the Sixth Committee on the Protection of Persons submitted to any Form of Detention or Imprisonment, Chairman 1982 and 1983

Conferences for the Review of the Treaty on the Denuclearization of the Sea-bed and Ocean Floor, Geneva, 1977 and 1983

Intergovernmental Group for the Drafting of a Code of Conduct for Transnational Corporations, eighth to seventeenth sessions, 1980-1982

Commission on Transnational Corporations, 1980-1993

United Nations Commission on International Trade Law, thirteenth and fifteenth sessions, 1980 and 1982

Appointed by the Italian Government as conciliator (provided for in annex to art. 66, Vienna Convention of 1969 on the Law of Treaties)

Legal Adviser at the Permanent Mission to the United Nations (New York), 1981-1984; same to the Permanent Mission in Geneva (1984-1985)

Codification Conference on the Law of Treaties between States and International Organizations (Vienna 1986), head of delegation

IMO Ad Hoc Committee on Unlawful Acts against the Safety of Maritime Navigation (1987), Head of delegation, IMO Conference (Rome, March 1988); on the same subject, President of the Conference

Agent of the Italian Government before the Court of Justice of the European Communities (1985-1994)

Agent of the Italian Government before the European Commission and the European Court on Human Rights (1985-1994)

Agent of the Italian Government before the International Court of Justice in the Elettronica Sicula S.p.a. (ELSI) case (U.S. v. Italy, Judgment of 20 July 1989)

Secretary-General of the Siena Forum on International Law of the Environment (1990), convened under the recommendation of the Summit of the Seven Most Industrialized Countries

Member of the Italian Group of the Permanent Court of Arbitration

Head of the Italian Delegation to the Conference on Security and Cooperation in Europe Valletta Meeting (1991) on Peaceful Settlement of Disputes, Member of the mechanism created by such meeting

Member of Conciliators' Panel, CSCE Mechanism of the Human Dimension, Moscow Declaration (1991)

Head of the Legal Service of the Italian Ministry of Foreign Affairs (1 September 1985-31 December 1994)

Member of the Governing Council of the International Institute for the Unification of Private Law (UNIDROIT) (1990-1994)

President of UNIDROIT (1 January 1995 to date)

International congresses, research abroad

Rapporteur, Bruges Colloquium on Public Enterprises and the Law of Competition convened by Europe College, 1969

Italian rapporteur, Fourth Congress of the International Federation for European Law (Luxembourg, 1973) on European case-law after 20 years of community experience

Rapporteur, Ninth International Congress of institutions responsible for the training of high-ranking civil servants (Paris, 1975) on detection of needs for permanent training of national officers for participation in international negotiations

Rapporteur to the Tenth European Colloquium (Liège, 1980) on scientific research and the law, convened by the Council of Europe

Other

Has lectured at universities and scientific institutions in Argentina, Belgium, Canada, Germany, Peru, Switzerland, United States of America

Member of the Italian Bar, with the right to plead before the Supreme Court

Languages: French and English: fluent; German and Spanish: working knowledge; Italian: mother tongue

Major publications

"Le controversie in materia d'impiego presso enti internazionali e la giurisdizione italiana" (Disputes in matters of employment with international institutions and Italian jurisdiction) in Rivista di diritto internazionale, 1956.

La prova nel processo internazionale (Evidence in international procedure), Naples, Jovene, 1958.

"La questione dell'Africa sud-occidentale" (The South-west African question) in Diritto internazionale, 1960.

"Gli effetti delle condanne penali nel diritto internazionale privato italiano" (Effects of criminal conviction in Italian conflict of laws) in Rivista di diritto internazionale, 1960.

"Il luogo di commissione dell'illecito nel diritto internazionale privato" (Locus commissi delicti in the conflict of laws) in Rivista di diritto civile, 1961.

"Aspetti generali della disciplina della responsabilità per fatto illecito nel diritto internazionale privato" (Main features of the law of torts in the conflict of laws), in Annuali della Facoltà di giurisprudenza dell'Università di Bari, vol. XVII, 1963.

"Note in margine alla recente sentenza della Corte internazionale di Giustizia nel caso dell'Africa Sud-Occidentale" (Some thoughts on the recent judgment of the International Court of Justice in the case of South-west Africa) in Rivista di diritto internazionale, 1963.

"L'opera delle Nazioni Unite e degli istituti specializzati nella lotta contro le discriminazioni" (The achievements of the United Nations and its specialized agencies in the struggle against discrimination) in Human Rights and the United Nations, Padua, 1963.

Diritto internazionale e diritto interno nella stipulazione dei Trattati (International law and municipal law in the treaty-making process), Naples, Morano, 1964.

"Le operazioni finanziarie degli enti internazionali (World Bank, International Finance Corporation, International Development Association)" (Financial

transactions of international institutions in Annuario di diritto internazionale, 1965.

Problemi interpretativi dell'art. 177 del Trattato CEE (Questions relating to the interpretation of art. 177 of the EEC Treaty) in Comunicazioni e studi dell'Istituto di diritto internazionale e straniero dell'Università di Milano, vol. XII (1966).

"Commenti degli art. 177, 219 e 235 del Trattato CEE" (Commentaries on articles 177, 219 and 235 of the EEC Treaty), in Treaty Instituting the EEC: A Commentary, edited by R. Quadri, R. Monaco and A. Trabucchi, Milan, Giuffrè, 1965.

"Natura giuridica dell'adesione degli accordi internazionali" (The legal nature of adherence in international agreements), in Annuario di diritto internazionale, 1966.

F. Capotorti, B. Conforti, L. Ferrari Bravo and B. Starace, La giurisprudenza italiana di diritto internazionale privato e processuale (Italian case-law in matter of conflict of laws and conflict of jurisdictions), 1942-1966, Leonardo da Vinci, Bari, 1967.

"L'issue de l'Affaire Costa C. ENEL - Observations sur l'arrêt du Conciliatore de Milan du 4 mai 1966" (The outcome of the Costa-Enel affair: some thoughts on the decision of the Conciliator of Milan of 4 May 1966), in Cahiers de droit européen, 1967.

Les incidences des règles de concurrence et de l'article 222 sur les possibilités de nouvelles nationalisations ou socialisations des secteurs économiques (The impact of rules on competition and of article 222 of the EEC Treaty on the possibility of new nationalizations or socializations of economic sectors), Bruges, De Tempel, 1968.

"Nazionalizzazione e Mercato Comune" (Nationalizations and the European Common Market), in Annuario di diritto internazionale, 1967-1968.

"Observations sur l'arrêt du Conciliatore de Milano du 2 janvier 1967" (Remarks on the judgements of the Conciliator of Milan of 2 January 1967) in Cahiers de droit européen, 1969.

"Commenti agli art. 41 et 87 del trattato CECA" (Commentaries on articles 41 and 87 of the ECSC Treaty) in Treaty Instituting the ECSC: A Commentary, edited by R. Quadri, R. Monaco and A. Trabucchi, Milan, Giuffré, 1970.

"La Conferenza europea delle facoltà giuridiche" (The European Conference of law faculties) in Rivista di diritto internazionale, 1971.

Responsabilità civile e diritto internazionale privato (The law of torts and the conflict of laws), Naples, Jovene, 1973.

"European Communities and the Italian Legal Order" in Multitudo Legum Ius unum, Festschrift für W. Wengler, Berlin 1973.

"Organizzazioni internazionali" (International organizations) in Enciclopedia Feltrinelli-Fischer, Political Science Section, vol. 2 (International relations), 1973.

"Jurisprudence sur les problèmes généraux de l'intégration" (Case-law on basic problems of European integration) dans Kölner Schriften zum Europarecht (Proceedings of the Fourth Conference of IFEL), 1974, pp. 311 ss.

"Les procédés nationaux de mise en vigueur des obligations souscrites et des accords conclus par les gouvernement" (National procedures for putting into effect international agreements concluded between Governments) (with A. Giardina) in Italian Association of Comparative Law, Italian Reports to the Ninth International Conference of Comparative Law, Milan, 1974.

"Schema della disciplina dei trattati internazionali" (Brief outline of the law of treaties), in Istituto Diplomatico: Corso di preparazione al concorso diplomatico, p. 347 ss., Testi, 1974.

Lezioni di diritto internazionale I (Course in international law, I) academic year 1973-1974, Libreria Scientifica Editrice, Naples, 1974 (2nd ed. 1986).

"Poteri della Commissione CEE e suo ruolo nello sviluppo dell'integrazione europea" (Powers of the EEC Commission and its role in the development of European integration) (1974) in Round Tables in European Community Law, held under the auspices of G. Biscottini, Collected Reports, vol. I (1967-1977), Milan, Pubblicazioni dell'Università Cattolica, 1980.

"I decreti ingiuntivi italiani e la Corte Comunitaria" (Italian injunction orders and the EEC Court) in Il Foro Italiano, 1975, fasc. 4.

"Les rapports entre contrats et obligations délictuelles en droit international privé" (Relationships between contracts and torts in the conflict of laws), in Collected Courses of the Haque Academy of International Law, III, 1975.

"I vertici, il Consiglio Europeo ed il difficile equilibrio fra Consiglio e Parlamento Europeo" (Summits, the European Council and the difficult balance of power between the Council of Ministers and the European Parliament), in Proceedings of the Conference held in Milan on 2 and 3 March 1979 under the auspices of the Catholic University.

"Aspetti tecnici dell'adesione delle Comunità Europee alla Convenzione europea del diritti dell'uomo" (Technical aspects of the adherence of the EC to the European Convention on Human Rights), in Rivista di diritto europeo, 1979, p. 309 ss.

"International aspects of the control of scientific research" in Proceedings of the X European Colloquium (Liege, 1980).

Several chapters of volume one of Manuale di diritto delle Comunità Europee (Handbook of EEC law), edited by E. Pennacchini, R. Monaco and L. Ferrari Bravo, Turin 1983 ("The search for European political union", pp. 41-56; "The European

Parliament", pp. 95-114; "The Commission", pp. 115-136; "The organization of political cooperation", pp. 177-184).

"International Law and Municipal Law: The complementarity of legal system" in McDonald and Johnston (ed.) The structure and process of International Law, The Hague, Nijhoff, 1983, p. 715 ss.

"All'origine della ricerca sulla consuetudine internazionale. Riflessioni sulla prassidiplomatica degli Stati" (Towards the point of departure of research on International Customs. Some reflections on diplomatic practice) in Studi in onore di G. Sperduti, Milan, 1984, p. 15 ss.

"Méthodes de recherche de la coutume internationale dans la pratique des États" (Methods for ascertaining international customs in State practice) in Recueil des Cours de l'Académie de droit international, 1985, iii, vol. 192.

"Alcune riflessioni sui rapporti fra diritto costituzionale e diritto internazionale in tema di stipulazione di trattati" (Some thoughts on the relationship between constitutional and international law in matters concerning the conclusion of treaties) in Studi in onore di R. Ago, 1987, I, 273 ss.

"Accordi internazionali" (International agreements) and "Adesione" (Accession), in Enciclopedia Giuridica Treccani, Rome, 1989.

"La Corte di Giustizia e le frontiere della funzione giurisdizionale comunitaria (The Court of Justice and the boundaries of EEC jurisdictional function) in Acts of the Conference on the Common Market, Public and Private in Europe", Milan, 1990.

"Peaceful settlement of disputes in Europe in the year 2000 and beyond" in La Comunità Internazionale, 1990.

"Prospettive del diritto internazionale alla fine del secolo XX" (Perspectives of international law at the end of the twentieth century) in Rivista di diritto internazionale, 1991.

Lezioni di Diritto delle Comunità Europee (lectures on European Community law), Editoriale Scientifica, Naples, 1992.

(with V. Rizzo) Codice dell'Unione Europea (Code of the European Union), Giuffré Editore, Milan, 1994.

National constitution and supranational law, in The Relationship between international and domestic law, Council of Europe, 1994, pp. 79 ss.

Difficultés et perspectives de la nouvelle Europe (Difficulties and perspectives of the new Europe) in CSCE: Dimension humaine et règlement des différends - Paris, Montchrestien, 1994.

Several book reviews, reports and speeches on the occasion of conferences, round tables, etc.

Translation from German of legal essays (in Diritto Internazionale 1963, p. 50 ss. and p. 215 ss. and in Annuario di diritto internazionale 1966, p. 1 ss.), etc.

B. Mehmet Guney

Born: 3 May 1936, Siirt (Turkey)
Married with three children

Studies

Pertevniyal Lyceum, Istanbul, 1954

Graduate, Prize winner, Faculty of Political Science, Ankara University

Graduate, Faculty of Law, Ankara University

Diploma from the Institute of Public Administration for Turkey and the Middle East

Diploma from the European University Centre of Nancy, France, in law and economic sciences

Professional activities

Administrative Assistant in the Office of the Governor of Ankara	1959-1964
Barrister Member of the Ankara Bar	Since 1964
Legal Adviser Ministry of Foreign Affairs, Ankara	1964-1970
Counsellor for Legal Affairs Permanent Mission of Turkey to the United Nations, New York	1970-1975
Senior Legal Counsellor Ministry of Foreign Affairs, Ankara	1975-1977
Counsellor for Legal Affairs Turkish Embassy, The Hague	1977-1979
Counsellor for Legal Affairs Permanent Mission of Turkey to the United Nations, New York	1980-1982
Deputy Chief Legal Adviser Ministry of Foreign Affairs, Ankara	1982-1985
Judge at the European Nuclear Energy Tribunal, Paris	1984-1989
Chief Legal Adviser Ministry of Foreign Affairs, Ankara	1985-1989

Ambassador of Turkey to Cuba	1989-1993
Elected by the General Assembly as member to the International Law Commission	1 January 1992-31 December 1996
Ambassador of Turkey to Singapore	1993-present

International activities

Alternate member, Subcommission on Prevention of Discrimination and Protection of Minorities (1968)

Represented Turkey at the following

Ninth (March 1968), tenth (November 1968) and twelfth (December 1969) sessions of the European Committee on Legal Cooperation

First (November 1969) and second (March 1970) sessions of the Subcommittee of the European Committee on Legal Cooperation

Second session of the United Nations Conference on the Law of Treaties (Vienna, April-May 1969)

First special session of the Commission on Narcotic Drugs (Geneva, January 1970)

Committee of the Draft Convention on the Travel Contract (Strasbourg, March 1970)

Ad Hoc Committee in charge of an exchange of view on the report of the third session of the United Nations Commission on International Trade Law (UNCITRAL) (Strasbourg, March 1970)

Head of the Turkish delegation to the Diplomatic Conference on Travel Contract (Brussels, April 1970)

Head of the Turkish delegation to the eighteenth (New York, March 1971) and nineteenth (New York, March 1973) extraordinary sessions of the International Civil Aviation Organization (ICAO)

Symposium organized by the United Nations Institute for Training and Research (UNITAR) on the Pacific Settlement of Disputes (New York, June 1973)

Twenty-fifth, twenty-sixth, twenty-eighth to thirtieth, thirty-third, thirty-fifth, thirty-sixth, thirty-eighth to forty-first, forty-fourth to forty-ninth sessions of the General Assembly and representative to the Sixth Committee (Legal)

Twenty-eighth session of the Commission on Human Rights (New York, 1971)

Ad Hoc Committee on International Terrorism (New York, July-August 1973)

Vice-President to the twentieth extraordinary session of the International Civil Aviation Organization (ICAO) (Rome, August-September 1973)

International Conference on Air Law (Rome, August-September 1973)

Third to sixth sessions (New York-Geneva, 1971-1974) of the Special Committee on the Question of Defining Aggression

Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (February-March 1981 and February-March 1982)

Head of the Turkish delegation to the United Nations Conference on the Representation of States in Their Relations with International Organizations (Vienna, February-March 1975)

Representative to the United Nations Water Conference (Mar del Plata, March 1973)

First and fourth to eleventh sessions (December 1973-April 1982) of the Third United Nations Conference on the Law of the Sea

Expert Committee on the United Nations Conference on Succession of States in Respect of Treaties, Council of Europe (Strasbourg, June 1978)

Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations (New York, April-May 1980)

Ad Hoc Committee on Legal Aspects of Territorial Asylum and Refugees (Strasbourg, March 1979)

Nineteenth session of the Committee on Applications for Review of Administrative Tribunal Judgements (New York, November 1979)

First (New York, January-February 1981) and second (New York, January-February 1982) sessions of the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries

Representative to the United Nations Conference on Succession of States in respect of State Property, Archives and Debts (Vienna, 1 March-8 April 1983)

Head of the Turkish delegation to the Second Review Conference of the Parties to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof (Geneva, September 1983)

Listed Arbitrator of the Regional Centre for Commercial Arbitration, Cairo, since 1985

Head of the Turkish delegation to the Conference on Security and Cooperation in Europe meeting of experts to pursue the examination and elaboration of a generally acceptable method for peaceful settlement of disputes aimed at complementing existing methods (Athens, March-April 1984)

Rapporteur of the Sixth Committee of the General Assembly at the thirty-ninth session

Judge at the European Nuclear Energy Tribunal (6 June 1984-6 June 1989)

United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotics Drugs and Psychotropic Substances (Vienna, 25 November-20 December 1988)

Head of the Turkish delegation to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Havana, 27 August-7 September 1990)

Arbitrator on the International Panel of Accredited Arbitrators for Singapore International Arbitration Centre since 1993

Asian-African Legal Consultative Committee, twenty-fourth session (Kathmandu, January 1985) and thirty-third session (Tokyo, January 1994)

Negotiations conducted on behalf of the Turkish Government

Negotiations between Turkey and Greece on the continental shelf of the Aegean Sea (1975-1979)

Negotiations between Turkey and Greece on the airspace of the Aegean Sea (Paris, November 1976)

Negotiations between Turkey and Bulgaria on the issues of determining the border line at the mouth of the Mutludere/Rezovska River, the delimitation of the waters in the Mutludere/Rezovsky Bay, the territorial sea and the continental shelf (Sofia, May-June 1984)

Languages

French
English
Spanish

C. Pieter Hendrik Kooijmans

Born 6 July 1933

1955 Econ.B.
1957 LL.M. (with honours)
1964 Dr. Iuris Free University, Amsterdam (with honours)

Career:

1965-1973 Professor of Public International Law and European Law, Free University, Amsterdam

1973-1977 State Secretary for Foreign Affairs

1978-1992 Professor of Public International Law, University of Leiden

1993-1994 Minister for Foreign Affairs

1995- Professor of Public International Law, University of Leiden

Present functions:

Chairman of the Board of the Carnegie Foundation

Chairman of the Administrative Council of the Hague Academy of International Law

Chairman of the Board of the Netherlands Disaster Relief Agency

Chairman of the Supervisory Board of the Netherlands Refugee Foundation

Chairman of the Netherlands Foundation (established by all political parties) for support to the new South Africa

Chairman of the Foreign Affairs Committee of the Christian Democratic Party

Member of the Steering Committee of the International Crisis Group

Member of the Board of Editors of the Netherlands International Law Review

Member and former Chairman of the Netherlands Branch of the International Law Association

Associated member of the Institute of International Law

Member of the Advisory Committee on Questions of International Law (Ministry of Foreign Affairs)

Member of the Advisory Council on Questions of Peace and Security (Ministries of Foreign Affairs and Defence)

Previous functions:

Member of the Netherlands delegation to the General Assembly of the United Nations (1967, Sixth Committee), Vice-Chairman (1973-1977), Chairman (1993)

Head of the Netherlands delegation to various sessions of the United Nations Conference on the Law of the Sea (1974-1977), the Review Conference of the Non-Proliferation Treaty (1975), to the Geneva Diplomatic Conference on the Law of Humanitarian Warfare (1975) and to the United Nations Conference on Apartheid (1977)

Head of the Netherlands delegation to the Commission on Human Rights (1982-1985; 1992)

Chairman of the Commission on Human Rights (1984-1985)

Special Rapporteur on Questions Relevant to Torture of the Commission on Human Rights

Member of various United Nations and Conference on Security and Cooperation in Europe missions to the former Yugoslavia (1991 and 1992)

Vice-Chairman of the Evangelical Party ARP (merged in 1980 with two other parties into the Christian Democratic Party)

Chairman of the Board of the International Institute of Social Studies (postgraduate school on questions of development)

Chairman of the Board of the Netherlands Institute on Peace-related Issues

Vice-Chairman of the Advisory Commission on Questions of Aliens (quasi-judicial body, Ministry of Justice)

Chairman of the Advisory Committee on Questions of Disarmament (Ministry of Foreign Affairs)

Member of the Advisory Defence Council (Ministry of Defence)

Member of various advisory commissions on the codification of the law of aliens and of refugees (Ministry of Justice)

Lecturer at the Hague Academy of International Law (1976 and 1991)

Publications

1962

De blokkade van Cuba en het volkenrecht, [The Cuban blockade and international law], Antirevolutionaire Staatkunde, 1962, vol. 32, pp. 295-305.

1963

De Staten-Generaal en het bestuur der buitenlandse betrekkingen, [The States General and management of external relations], Antirevolutionaire Staatkunde, 1963, vol. 33, No. 13, pp. 364-372.

1964

The doctrine of the legal equality of States, an inquiry into the foundations of international law, thesis, Free University of Amsterdam, A.W. Sijthoff, Leyden, 1964 (257 pp).

1965

Volkenrecht en Sociale Gerechtigheid; een Peiling, [International law and social justice; a survey], Inaugural address, Free University of Amsterdam, A. W. Sijthoff, Leyden, 1965 (30 pp.).

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1967

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1968

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1970

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22 juni 1970, [The disirability of a prohibition on the use of teargases in armed conflicts: recommendation presented to the Minister for Foreign Affairs of the Netherlands on 22 June 1970], Staatsuitgeverij, The Hague, 1970.

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1971

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Werken aan een internationale rechtsorde, [Building an international legal order], 25 jaar Verenigde Naties, Amsterdam-Antwerp, 1971, pp. 122-131.

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1973

The advisory opinion on Namibia of the International Court of Justice, Netherlands International Law Review, 1973, vol. 20, pp. 17-36.

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1975

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1978

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1979

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1980

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1981

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1982

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1983

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1986

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Karakter en looptijd van het Verdrag over Kruisvluchtwapens, [Character and duration of the Treaty concerning cruise missiles], Internationale Spectator, January 1986, pp. 216-222.

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1987

Report by the Special Rapporteur of the United Nations Commission on Human Rights on questions relevant to torture, (E/CN.4/1987/13), January 1987.

Asielzoekers en mensenrechten - het internationale karakter, [Asylum seekers and human rights, the international character] (with others), Stichting N.J.C.M. Boekerij, No. 8, Leiden, 1987, pp. 6-15.

Armoede, Rijkdom en Recht, [Poverty, wealth and law] (with J. van Nieuwenhove, P. J. M. van Tongeren and P. A. M. Meijknecht), Rechtskundige Afdeling van het Thijmgenootschap, No. 12, W.E.J. Tjeenk Willink, Zwolle, 1987.

1988

Veertig jaar Universele Verklaring van de Rechten van de Mens, [Forty years of the Universal Declaration of Human Rights], Staatscourant, 8 December 1988, pp. 3-6.

Report by the Special Rapporteur of the United Nations Commission on Human Rights on questions relevant to torture (E/CN.4/1988/17 and Add.1), February 1988 (25 pp.).

De Verenigde Naties als instrument voor de bescherming van de rechten van de mens, [The United Nations as an instrument for the protection of human rights] Recente Ontwikkelingen op het Gebied van de Mensenrechten, [Recent developments concerning human rights], 1988, No. 10, pp. 21-30.

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Meneer is ook een ras!, [Gentleman is a race too, Forum discussion concerning suppression of racial discrimination in Dutch Society], Stichting Meldpunt Rassendicriminatie, Delft, 1988.

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De internationale verplichting tot gelijke behandeling van man en vrouw, pré-advies voor de Emancipatieraad, aangeboden aan de regering, [The international obligation to equal treatment of man and woman], Emancipatieraad, The Hague, 18 March 1988 (12 pp.).

1989

Humanitaire hulpverlening, mensenrechten en het beginsel van non-interventie, [Humanitarian assistance, human rights and the principle of non-intervention], Symposium Volksbewegingen: Partner of Probleem, Studium Generale Katholieke Universiteit Brabant, Tilburg, 1989, pp. 21-28.

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Report of the United Nations Special Rapporteur on Torture (E/CN.4/1990/17 and Add.1), December 1989 (83 pp.).

1990

The Ban on torture, Legal and socio-political problems, Folterverbot sowie Religions-und Gewissensfreiheit im Rechtsvergleich, 1 March 1990, pp. 93-108.

Is there a common ground for a human rights theory and a common human rights policy? Wiener Blätter zur Friedensforschung, 1 March 1990, pp. 8-17.

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1991

Humanitarian law and the shadowland between civil war and civil strife, in: A. J. M. Delissen and Tanja (eds.). Humanitarian Law of Armed Conflict. Challenges Ahead, Mart. Nijhoff, 1991, pp. 225-248.

The enlargement of the concept, "Threat to the peace" in the development of the role of the Security Council, 1992 Colloquium of The Hague Academy of International Law, Mart. Nijhoff, 1993, pp. 111-121.

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Inter-State dispute settlement in the field of human rights, Brus, Muller and Wiemers (eds.), The United Nations Decade of International Law. Reflections on international dispute settlement, Mart. Nijhoff, 1991, pp. 87-98.

1992

Seventh report of the United Nations Special Rapporteur on Torture, and addendum containing the report on a visit to Indonesia and East Timor (E/CN.4/1992/17 and Add.1), January 1992, (107 pp. + 21 pp).

The international protection of the rights of minorities; in: The social construction of minorities and their cultural rights in Western Europe, April 1992, pp. 83-95.

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Maintaining the peace in the shadowland between the old and the new international order, tenth Uhlenbeck-lecture, Netherlands Institute of Advanced Studies, 1992 (20 pp.).

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State succession and the 1929 Warsaw Convention; a case study; Air and Space Law: de lege ferenda, Liber Amicorum Prof. Mr. H. Wassenbergh, June 1992, pp. 112-133.

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1994

Human rights in an interdependent world, International Institute for Asian Studies, 1994 (14 pp.).

Internationaal Publickrecht in Vogelvlucht (An introduction to public international law) (five editions: 1988, 1990, 1991, 1993, 1994).

Annotations on various decisions of the Supreme Court of the Netherlands dealing with questions of international law.

D. Santiago Torres Bernárdez

Born in Vigo (Spain), 18 November 1929.

Academic degrees

Licenciado (1952) and Doctor (1959) of Law, University of Valladolid (Spain).

Diplôme d'Études Supérieures Européennes (1955) and Doctor of Law (1957), Saar University (Germany).

Doctor Honoris Causa of Law (1993), University of Alcalá de Henares (Spain).

Previous assignments

Member of the Office of Legal Affairs of the United Nations Secretariat (1959-1980).

Registrar of the International Court of Justice (1980-1986).

Registrar of the Court of Arbitration for the determination of the maritime boundary (Guinea-Bissau/Senegal) (1988-1989).

Judge ad hoc in the International Court of Justice, in the case of the land, island and maritime frontier dispute (El Salvador/Honduras: Nicaragua intervening) (1989-1992).

Present activities

Judge ad hoc in the International Court of Justice, in the case concerning maritime delimitation and territorial questions (Qatar/Bahrain).

Member of the Permanent Court of Arbitration (since 1987).

Member of the International Fact-Finding Commission established by additional Protocol I to the Geneva Conventions of 1949 (elected in 1991).

Private practice as legal counsellor in international arbitrations and judicial proceedings.

Lecturer and writer on international legal issues.

Member of the Spanish National Committee for the fiftieth anniversary of the United Nations.

Member of the Madrid Bar Association.

Vice-President of the non-governmental organization "España con ACNUR" ("Spain with the UNHCR").

Professional organizations

Member of the Institute of International Law (since 1981).

Member of the International Law Association.

Associate member of the Instituto Hispano-Luso-Americano de Derecho Internacional.

Honorary member of the Spanish Association of International Law Professors.

Member of the Société française pour le droit international.

Member of the American Society of International Law.

Decorations

Great Cross of Civil Merit (Spain, 1987).

Orden José Cecilio del Valle (Honduras, 1994).

Great Cross of Orden de Mayo (Argentina, 1995).

Languages

Spanish, English, French, German.

1. International Court of Justice: activities and publications

(a) Activities

Registrar of the International Court of Justice (1980-1986).

Judge ad hoc in the case of the land, island and maritime frontier dispute (El Salvador/Honduras: Nicaragua intervening) (1989-1992). For the separate opinion of Judge Torres Bernárdez attached to the Court's Judgment of 11 September 1992, see I.C.J. Reports 1992, pp. 629-732.

Judge ad hoc in the case concerning maritime delimitation and territorial questions (Qatar/Bahrain).

(b) Publications on matters related to the organization, competence and procedure of the International Court of Justice

"Consideraciones y reflexiones sobre la interpretación por la Corte Internacional de Justicia de sus propios fallos", Estudios jurídicos en homenaje al Profesor Antonio Rodríguez Sastre, Madrid, 1985.

"A propos de l'interprétation et de la revision des arrêts de la Cour internationale de Justice", Recueil d'études en honneur de Roberto Ago, Milan, 1987.

"Resignations at the World Court", International law at a time of perplexity. Essays in honour of Shabtai Rosenne, Dordrecht/Boston/London, 1988.

"La reciprocidad en el sistema de jurisdicción obligatoria establecido en el Artículo 36, párrafo 2, del Estatuto de la Corte Internacional de Justicia", Cursos de Derecho Internacional de Vitoria, Universidad del País Vasco, Vitoria, 1988.

"Observations on 'Non-appearance' before the International Court of Justice", Annuaire de l'Institut de Droit International, Basle session (vol. 64, 1), 1991.

"Reciprocity" in the system of compulsory jurisdiction and in other modalities of contentious jurisdiction exercised by the International Court of Justice", Essays in Honour of Judge Taslim Olawale Elias, Dordrecht/Boston/London, 1992.

"Spain and the jurisdiction of the International Court of Justice: From past to present", Archiv des Völkerrechts, Band 32, Heft 2, June 1994.

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"L'intervention des États tiers dans la procédure de la Cour Internationale de Justice", Académie de droit international, The Hague, July/August 1995 (in preparation).

2. International arbitration: activities and publications

(a) Activities

Registrar of the Court of Arbitration for the determination of the maritime boundary (Guinea-Bissau/Senegal), Geneva, 1988-1989.

Counsel to the delegation of the Argentine Republic before the International Arbitral Tribunal for the controversy on the land boundary between marking 62 and Mount Fitz Roy (Argentina/Chile), Rio de Janeiro, 1992-1994.

(b) Publications

"L'arbitrage interétatique. Avec des références particulières à la Convention européenne pour le règlement des différends du 20 avril 1957", Académie de droit international de La Haye, Colloque sur le règlement pacifique des différends internationaux en Europe. Perspectives d'avenir, The Hague, 1990.

3. International inquiry

Member of the International Fact-Finding Commission established by Protocol I additional to the Geneva Conventions on International Humanitarian Law, Bern (elected by the States parties in 1991).

4. Codification and progressive development of international law

(a) Activities

Member of the Codification Division in the Office of Legal Affairs of the United Nations Secretariat, first as a legal officer (1959-1975), and later on as Deputy Director of the Division (1975-1980). Since 1975, Deputy Secretary of the International Law Commission and Executive Secretary of several United Nations Conferences on the codification and progressive development of international law.

During this period he served in different capacities as a member of the secretariat of the Sixth Committee of the General Assembly, and of the International Law Commission (in both cases, during 21 consecutive sessions), of special or ad hoc committees created by the General Assembly, such as the Committee on Principles of International Law concerning Friendly Relations and Cooperation among States, and the Preparatory Committee for the Third United Nations Conference on the Law of the Sea.

He also participated in a series of diplomatic conferences held by the United Nations for the adoption of conventions for the codification of certain international legal issues, such as the ones on diplomatic relations (1961), the reduction of cases of statelessness (1961), consular relations (1963), the law of treaties (1968-1969), representation of States in their relations with international organizations of a universal character (1975) and succession of States in respect of treaties (1977-1978). He also participated in the elaboration by the General Assembly of the Convention on Special Missions (1969).

In addition to this activity related to drafting conventions, declarations, resolutions, reports, draft articles and comments by the above-mentioned organs, he contributed to the formulation and coordination of programmes related to the codification and progressive development of international law. He also directed or drafted studies and publications prepared by the Codification Division as requested by the General Assembly, and also an important amount of survey work for the International Law Commission and its Special Rapporteurs, about subjects such as international watercourses, law of treaties, international humanitarian law, succession of States, international responsibility of States, etc.

He was also in charge of the final revision of the contents, structure and presentation of the "Survey of international law" prepared by the Codification Division in 1970-1971 (International Law Commission Yearbook, 1971, vol. II, second part).

Special Adviser to the Spanish delegation (headed by the Prime Minister) to the World Summit on Environment (The Hague, March 1989).

(b) Publications on matters related to codification and progressive development of international law

"La Conférence des Nations Unies pour l'élimination ou la reduction des cas d'apatridie", Annuaire français de droit international, vol. VIII, Paris, 1962.

"La Conférence des Nations Unies sur les relations consulaires: la Convention de Vienne sur les relations consulaires", Annuaire français de droit international, vol. IX, Paris, 1963.

"Examen de la définition de l'agression. Troisième session du Comité créé en application de la résolution 1181 (XII) de l'Assemblée générale (New York, 1965)", Annuaire français de droit international, vol. XI, Paris, 1965.

"La Obra de desarrollo progresivo y codificación del derecho internacional llevada a cabo por las Naciones Unidas", en ONU AÑO XX, Tecnos, Madrid, 1966.

"Labores de la Comisión Jurídica de la Asamblea General durante el vigésimo período de sesiones (septiembre/diciembre de 1966)", Revista Española de Derecho Internacional, segunda época, vol. XX, núm. 1, Madrid, 1967.

"Labor realizada por la Comisión de Derecho Internacional en su decimonoveno período de sesiones (mayo/julio de 1967)", Revista Española de Derecho Internacional, segunda época, vol. XX, núm. 4, Madrid, 1967.

"Problems and issues raised by 'crimes of States': An overview", International Crimes of States. A Critical Analysis of the ILC's Draft Article 19 on State Responsibility, European University Institute of Florence, Series A 10, Walter de Gruyter, Berlin/New York, 1989.

5. Other assignments related to the United Nations

United Nations Expert on the Committee established by the International Committee of the Red Cross for the study of the prohibition of specific conventional weapons, including those which may be deemed to be excessively injurious or have indiscriminate effects (1973).

Member of the United Nations delegation to the Diplomatic Conference on the reaffirmation and development of international humanitarian law applicable in armed conflicts (1974-1977).

Member of the Observer Mission sent to Panama by the Secretary-General of the United Nations to monitor the constitutional referendum on the ratification of the Treaties on the Panama Canal (1977).

6. Security Council: publications

"Perspectivas en la contribución de las Naciones Unidas al mantenimiento de la paz y la seguridad internacionales: Comentarios y observaciones sobre

la Declaración de los miembros del Consejo de Seguridad de 31 de enero de 1992", Hacia un nuevo orden internacional y europeo, Estudios en homenaje al Profesor Manuel Díez de Velasco, Tecnos, Madrid, 1993 (written in April 1992).

"Some considerations on the respective roles of the Security Council and the International Court of Justice with respect to 'the prevention of aggravation of disputes' in the domain of the pacific settlement of international disputes or situations", The Qatar International Law Conference on International Legal Issues arising under the United Nations Decade of International Law. (Doha, 22-25 March 1994) (in course of publishing).

7. Scientific, academic and teaching activities

During the years 1957-1958, he was assistant in the Institute of International Law and International Relations at Würzburg University (Germany).

Director of studies in the Centre for Studies and Research in International Law and International Relations of the Hague Academy of International Law (1970). Subject of survey and study: law of treaties.

Professor in the Foreign Programme of the Hague Academy of International Law (Buenos Aires, 1972). Subject of survey and study: law of treaties.

Professor at the United Nations Regional Training Course for Latin America organized by UNITAR (Caracas, 1973). Subject of survey and study: law of treaties.

Professor in the Instituto Universitario Ortega y Gasset of the Universidad Complutense de Madrid (1988/1989). Subject of survey and study: peaceful settlement of international disputes.

Lecturer on international arbitration in the Coloquium organized by the Hague Academy of International Law on "Le règlement pacifique des différends internationaux en Europe: perspectives d'avenir" (1990).

Lecturer on the respective roles of the Security Council and the International Court of Justice in the prevention of the aggravation of disputes at the Qatar International Law Conference (Doha, 1994).

Lecturer on the function of the International Court of Justice in the system of the Charter of the United Nations at the United Nations Congress on International Public Law (New York, 1995).

Professor at the Hague Academy of International Law (1995). Subject of teaching: the intervention of third parties in the International Court of Justice procedure.

Guest lecturer on international law issues at a number of Spanish Universities (País Vasco, Sevilla, Oviedo, Barcelona, Carlos III of Madrid, etc.).

8. Other publications about international legal matters or related to international organizations

"L'Espagne et les organisations internationales: le statut international de l'Espagne après la deuxième guerre mondiale et ses conséquences sur sa participation aux activités des organisations internationales (1945-1956)", Annales Universitatis Saraviensis, vol. VI, fasc. 2/3/4, Saarbrücken, 1958.

"La participación de España en la organización de Europa", Política Internacional, vol. 35, Madrid, 1958.

"La noción jurídica de intervención en la comunidad internacional organizada", Estudios de Derecho Internacional en Homenaje al Profesor Barcia Trelles, Santiago de Compostela, 1958.

"Territorial sovereignty", Encyclopedia of Public International Law, Max Plank Institute, Heidelberg, 1983.

"Acquisition of Territory", Encyclopedia of Public International Law, Max Plank Institute, Heidelberg, 1983.

"Los órganos subsidiarios: Contribución al estudio de las estructuras de las organizaciones internacionales", Estudios en Honor del Profesor Antonio Truyol Serra, Madrid, 1986.

"Subsidiary organs of international organizations", the Hague Academy of International Law, Manuel sur les organisations internationales, The Hague, 1988.

"Succession d'Etats", UNESCO, Droit international. Bilan et perspectives, Paris, 1991.

"The uti possidetis juris principle in historical perspective" in Völkerrecht zwischen normativem Anspruch und politischer Realität, Festschrift für Karl Zemanek zum 65. Geburtstag, Dunker & Humblot, Berlin, 1994.

UNITED NATIONS **S**

Security Council

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GENERAL

S/1995/451
2 June 1995
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 31 MAY 1995 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to my letter of 18 April 1995 concerning the situation in Somalia (S/1995/322), in which I told you of my intention to inform the members of the Security Council of any new developments concerning the small United Nations political office for Somalia, which is presently operating out of Nairobi, and of the conclusions of the security assessment mission that had just been dispatched to Mogadishu.

With regard to security, a new set of guidelines for Mogadishu has been adopted on the basis of the mission's conclusions. These guidelines include the provision that international United Nations staff members are authorized to travel to Mogadishu and stay there no longer than three days a week. I should point out, however, that the instability and unpredictability of security conditions in the Somali capital since the mission took place have severely curtailed visits by international staff.

I have twice taken the necessary steps, in late April and in early May, to dispatch special envoys to Mogadishu to request the views of Somali leaders concerning a possible United Nations political presence in their country. This effort has yielded no results, because of the opposition of the two principal leaders. Indeed, Mr. Ali Mahdi refused to meet with my first envoy because the envoy had been associated with the United Nations Operation in Somalia (UNOSOM); as for my second envoy, his visit failed to take place, since at the last minute General Aidid went back on his decision to see him.

It is worth pointing out, however, that a wide range of leaders representing the main Somali factions, including a wing of the United Somali Congress/Somali National Alliance (USC/SNA), favourably welcomed my intention to set up a United Nations political office in their country.

Under these circumstances, I have decided that the political office for Somalia currently operating out of Nairobi will be kept there until an improvement in the situation allows it to be transferred to Mogadishu. I have also decided to reduce the staff of this office to one director at the D-2 level, and one General Service staff member.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1995/451*
6 June 1995
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 31 MAY 1995 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

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* Reissued for technical reasons.

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I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

UNITED
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Security Council

Distr.
GENERAL

S/1995/452
2 June 1995

ORIGINAL: ENGLISH

LETTER DATED 2 JUNE 1995 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 31 May 1995 (S/1995/451) concerning the political office for Somalia and the conclusions of the security assessment mission dispatched to Mogadishu has been brought to the attention of Council members. They agree with the decision contained in your letter.

(Signed) Detlef GRAF ZU RANTZAU
President of the Security Council

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General Assembly
Security Council

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GENERAL

A/50/204
S/1995/453
2 June 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Item 92 of the preliminary list*
THE SITUATION IN THE OCCUPIED
TERRITORIES OF CROATIA

SECURITY COUNCIL
Fiftieth year

Letter dated 1 June 1995 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the letter dated 1 June 1995 from the Deputy Prime Minister and Minister for Foreign Affairs, Dr. Mate Granic, addressed to your Excellency (see annex).

I would kindly request your assistance in distributing the present letter and its annex as a document of the fiftieth session of the General Assembly, under item 92 of the preliminary list, and of the Security Council.

(Signed) Mario NOBILO
Permanent Representative

* A/50/50/Rev.1.

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ANNEX

Letter dated 1 June 1995 from the Deputy Prime Minister and Minister for Foreign Affairs of Croatia addressed to the Secretary-General

At the time of your preparation of the report on the implementation of the mandate of the United Nations Confidence Restoration Operation in Croatia (UNCRO), pursuant to Security Council resolution 994 (1995) of 17 May 1995, I would like to express that the Government of the Republic of Croatia is seriously concerned with the most recent joint initiatives by the political leadership of the Bosnian and Croatian Serbs aimed at forming the so-called "United Serbian Republic" that would be comprised of the occupied territories of the Republic of Croatia and the territory of the Republic of Bosnia and Herzegovina under Serb control.

My Government is of the view that this poses a serious threat to the peace process both in Croatia and Bosnia and Herzegovina, and serves as a threat to the peace and stability of the region as a whole. "Unification" of the Serb-occupied territories constitutes a blatant violation of the sovereignty and territorial integrity of Croatia and Bosnia and Herzegovina and negates the international community's peace initiatives, which are based on full respect for the territorial integrity of these two Member States of the United Nations. This "unification" would be a direct violation of relevant Security Council and General Assembly resolutions and would put the Republic of Croatia in a position where it would be forced to undertake all appropriate means to defend its sovereignty and territorial integrity.

In order to prevent this situation from developing, UNCRO has to implement speedily its mandate by controlling those parts of Croatia's international borders that are not under the effective control of the legitimate Croatian authorities. Implementation of the UNCRO mandate would, therefore, act as a deterrent to the "unification". In that regard, the Republic of Croatia would support urgent action by the Security Council aimed at preventing actions which would lead to an escalation of the conflict in the region.

Further, it is the view of the Croatian Government that the issue of alleviation of the sanctions regime imposed on the "Federal Republic of Yugoslavia (Serbia and Montenegro)" without taking into consideration the situation in Croatia and the role of the "Federal Republic of Yugoslavia (Serbia and Montenegro)" in maintaining a state of occupation over a part of Croatian territory would have a detrimental effect on the peace process in the region. Security Council resolution 871 (1993) of 4 October 1993 placed a direct connection with the sanctions regime and the role of the "Federal Republic of Yugoslavia (Serbia and Montenegro)" in the occupation of Croatian territory. In this regard, the Republic of Croatia has presented, inter alia, documentation on the direct involvement of the "Army of Yugoslavia" in the occupied territories of Croatia (S/1995/229 and S/1995/401).

My Government applauds any moves by the Belgrade authorities by which it would distance itself from the local Serb authorities in Knin and Pale.

However, we are also of the view that Belgrade's recognition of Bosnia and Herzegovina would not by itself lead to a change in the actual situation on the ground. Lifting of sanctions should be based on actual results and not on proclamations. Furthermore, any possible lifting of sanctions imposed on the "Federal Republic of Yugoslavia (Serbia and Montenegro)" which would not involve resolution of the conflict in Croatia on the basis of respect for its sovereignty and territorial integrity would leave the major problem in the region unsolved, leaving the potential for a greater conflict in the future which could have repercussions in the entire region.

My Government is concerned that the lifting of sanctions against the "Federal Republic of Yugoslavia (Serbia and Montenegro)" would not only eliminate international leverage on the authorities in Belgrade but would also encourage the Belgrade authorities to seek the unification of all lands which are occupied or controlled by Serbs. This would not only violate the principle of territorial integrity of States - an underlying principle of the United Nations - but would also threaten peace and stability in the region.

(Signed) Mate GRANIC
Deputy Prime Minister and
Minister for Foreign Affairs

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NATIONS

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Security Council

Distr.
GENERAL

S/1995/454
2 June 1995
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 2 JUNE 1995 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF URUGUAY TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you, as President of the Security Council for the month of June, the attached press release issued by the Ministry of Foreign Affairs of Uruguay concerning the situation in Bosnia and Herzegovina (see annex).

I should be grateful if you would arrange to have this note circulated as a document of the Security Council.

(Signed) María del Luján FLORES
Chargé d'affaires a.i.

95-16467 (E) 020695 020695 050695

Annex

Consistent with Uruguay's past and present firm support of United Nations action to maintain international peace and security, as evidenced by active Uruguayan participation in various operations in a number of different countries, the Government of the Republic strongly condemns the taking of United Nations Protection Force (UNPROFOR) soldiers as hostages by Bosnian Serb contingents.

This unacceptable practice is not only a violation of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949, but is also forcing the international community to seek means and adopt consistent measures to enable United Nations missions in general, and UNPROFOR in particular, duly to fulfil their commitments.

The cause of peace requires a multilateral, concerted and clear will to ensure that United Nations forces have a precise, effective definition of their missions, are provided with all possible guarantees and have the respect of the parties to the conflict.

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Security Council

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S/1995/455
2 June 1995

ORIGINAL: ENGLISH

LETTER DATED 2 JUNE 1995 FROM THE PERMANENT REPRESENTATIVE OF ARMENIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward to you herewith the text of a statement issued on 2 June 1995 by the Ministry of Foreign Affairs of the Republic of Armenia (see annex).

I should be grateful if you would circulate the statement as a document of the Security Council.

(Signed) Alexander ARZOUMANIAN
Permanent Representative

95-16455 (E) 020695 050695

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Annex

Statement of resumption of negotiations participation

Armenia welcomes the condemnation by the Chairman-in-Office of the Organisation for Security and Cooperation in Europe (OSCE) and the Co-Chairmen of the Minsk Conference of the gas pipeline explosions feeding Armenia and traversing the Azeri-populated Marneuli region of Georgia. Armenia also welcomes the letter of the Chairman-in-Office of OSCE, Mr. Laszlo Kovacs, to the Georgian authorities and the Chairman-in-Office's request to the OSCE Mission in Georgia to work closely with the Georgian authorities to investigate these incidents and adopt measures to prevent their recurrence.

Armenia insists that these terrorist acts are acts of war and are contrary to the letter and spirit of the cease-fire agreement. Furthermore, Armenia insists that these acts are linked to the Nagorny Karabakh peace process, and is concerned that their continuation will not only derail the peace process, but will also endanger the security and economic viability of all the countries in the region. Thus, Armenia believes that it is in the interest of all parties to join the efforts to end the three-year-long cycle of explosions.

Armenia is pleased that the Azerbaijani authorities have condemned these acts as acts of terrorism, and is confident that Azerbaijan will use its influence to take all measures to see that they are not repeated. Armenia calls upon Azerbaijan to cooperate with Armenia in helping the Georgian authorities to end the cycle of explosions in the interest of peace and the settlement of the conflict through negotiations.

Therefore, Armenia has decided to continue its participation in the peace talks on the Nagorny Karabakh conflict, always reserving the right to take all necessary measures for its national security.

Once more, Armenia confirms its commitment to the cease-fire, and reassures the international community that the Armenian side will not initiate resumption of fighting.

UNITED
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Security Council

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GENERAL

S/1995/456
2 June 1995
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 2 JUNE 1995 FROM THE PERMANENT REPRESENTATIVE OF ARGENTINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the work of the informal Working Group of the Security Council concerning the Council's documentation and other procedural questions.

In this context, I shall draw attention, first of all, to the recent proposal by the United Kingdom to change the nomenclature of statements made by the President of the Security Council.

I shall then make some general observations on the basis of our preliminary analysis of the United Kingdom initiative.

1. With regard to the proposal by the United Kingdom to retitle Presidential statements made on behalf of the Security Council "statements on behalf of the Security Council", we note that the original proposal has been modified, eliminating all reference to the stipulation that these statements be read out only in a formal meeting of the Council.

The new wording not only leaves open the possibility of invoking certain earlier experience related to the question but also maintains what is, in our understanding, the essential minimum of flexibility needed on this issue.

For these reasons, and expressly and formally subject to this condition, we would now be in a position to support the proposal by the United Kingdom on the basis of the terms of the consensus on the matter.

2. Notwithstanding the above, I should like to take this opportunity to open a discussion of some of my delegation's serious concerns which are directly linked to the question under review and have not yet been duly resolved.

At present, the Security Council expresses itself through two principal channels.

First, it adopts "resolutions", which can be defined, in short, as documents expressing the Council's will and giving rise to commitments.

It also issues "statements" that express the opinion of those issuing them.

There are three types of statements, all of which, in accordance with established practice, are circulated as official documents of the Security Council.

These statements are generally submitted and debated in "informal consultations". Their texts must be unanimously agreed during these consultations.

The three types of statements are as follows: those released to the press, those submitted to the Secretariat to be directly circulated as Security Council documents and those which are read out at informal meetings of the Council.

It should be recalled that the President of the Council also makes "statements to the press", which are defined at informal meetings on the basis of general guidelines; he may also issue statements on his own initiative.

The presentation of the United Kingdom proposal requires us to think about all the potential consequences of an initiative which, at face value, seems to be a simple change of nomenclature, but which might have more profound implications.

In this context, we should recall that "statements" are, strictly speaking, a relatively new Security Council instrument whose use has increased considerably, in practice, in recent years.

Curiously, the Council has never defined the scope, content or nature of the documents it issues, not even in its rules of procedure or in its interpretive documents.

None the less, very recently - since 1993, to be more precise - a trend which we do not necessarily support has been emerging to regard the "statements" that are read out during formal meetings as being made "on behalf of the Council". It is argued that those statements which simply arise out of the work of the Council during informal meetings should be made, on the other hand, "on behalf of the members of the Council".

Our delegation feels that the potential consequences of accepting this new "distinction" should be duly evaluated in advance.

We must determine why an effort is being made to draw a conceptual distinction of such magnitude, in particular since it could have implications with regard to the very nature of the type of meeting from which, in each case, the "statements" arise.

It is also time to address, in a serious manner, the issue of the very nature of "informal" meetings, which are now the Council's primary working instrument, in terms of time.

Do the provisions of Article 31 of the Charter apply - as we, for example, would argue - to these meetings? For us, there is no doubt that they do.

It must be admitted that, whether we like it or not, some very momentous decisions are being adopted at these meetings on such matters as the sending of notes or letters, the definition of Security Council "missions" and the negotiation and adoption of the actual texts of all the resolutions and "statements" of the Security Council.

All these issues must be carefully evaluated, since they have much to do with the transparency and accountability of the Council's work.

We therefore propose that the Working Group undertake, without delay, a period of reflection on these matters, to enable it to harmonize criteria and perhaps adopt some guidelines, notwithstanding any parallel efforts being made in the General Assembly.

For all the foregoing reasons, we trust that the President will allow the Working Group to devote its attention to seeking to resolve the concerns expressed in this letter, to which we attach high priority.

In our view, this step has become essential, and it does not seem advisable to postpone - for perhaps secondary reasons - making the necessary effort to bring a minimum of clarity and transparency to a situation that could be defined as somewhat confused.

We should be grateful if you would arrange to have this letter distributed as a document of the Security Council.

(Signed) Emilio J. CARDENAS
Permanent Representative

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1995/456*
9 June 1995
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 2 JUNE 1995 FROM THE PERMANENT REPRESENTATIVE OF ARGENTINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

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* Reissued for technical reasons.

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All these issues must be carefully evaluated, since they have much to do with the transparency and accountability of the Council's work.

We therefore propose that the Working Group undertake, without delay, a period of reflection on these matters, to enable it to harmonize criteria and perhaps adopt some guidelines, notwithstanding any parallel efforts being made in the General Assembly.

For all the foregoing reasons, we trust that the President will allow the Working Group to devote its attention to seeking to resolve the concerns expressed in this letter, to which we attach high priority.

In our view, this step has become essential, and it does not seem advisable to postpone - for perhaps secondary reasons - making the necessary effort to bring a minimum of clarity and transparency to a situation that could be defined as somewhat confused.

We should be grateful if you would arrange to have this letter distributed as a document of the Security Council.

(Signed) Emilio J. CARDENAS
Permanent Representative